




Federal Torts Claim Act (“FTCA”), 28 U.S.C. § 2672, *et seq.* and/or Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). *Id.*; see Wilson v. Johnson, 535 F.3d 262, 265 (4th Cir. 2008); Winslow v. Samberg, 805 F.2d 394, at \*2 (4th Cir. 1986) (“To determine whether a claim is cognizable as a habeas corpus action or under § 1983, it is necessary to review whether the challenge is to the fact or the duration of a prisoner’s confinement, or whether it is a challenge to the conditions of confinement.”). Based upon the foregoing, petitioner may not proceed with any claims challenging his conditions of confinement pursuant to 28 U.S.C. § 2241.<sup>1</sup>

### CONCLUSION

In summary, the court DISMISSES petitioner’s action without prejudice. The clerk of court is DIRECTED to close this case and to send petitioner the civil rights package

SO ORDERED, this the 2nd day of October, 2017.

  
LOUISE W. FLANAGAN  
United States District Judge

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<sup>1</sup>The court has reviewed the petition and finds it inappropriate to convert petitioner’s § 2241 petition into a civil rights action because the requirements of the Prison Litigation Reform Act apply to a civil rights action, but do not apply to § 2241 actions. See Smith v. Angelone, 111 F.3d 1126, 1129–31 (4th Cir. 1997); Hicks v. James, 255 F. App’x 744, 747 (4th Cir. 2007) (per curiam).